



Administration for Children and Families Tribal Advisory Committee (ACF TAC)

CHARTER

I. NAME

The name of the Committee shall be the Administration for Children and Families Tribal Advisory Committee (ACF TAC)

II. AUTHORITY

This committee is established per the Acting Assistant Secretary's Memorandum of March 7, 2013 through his authority to establish committees to support and accomplish the objectives of the Department of Health and Human Services. The ACF TAC will meet on a regular basis with the Acting Assistant Secretary and ACF leadership to address concerns/issues that affect Indian Tribes. Some issues may require consultation and ACF will work to ensure that consultation is timely and appropriately held with affected tribes

III. PURPOSE

A. The ACF/TAC is organized for the following purposes:

1. Function as an agency work group.
2. Assist the Assistant Secretary, Administration for Children and Families, and the Commissioner, Administration for Native Americans, to adhere to the ACF consultation policy.
3. Provide recommendations on ACF policies and procedures that affect Native Americans.
4. Ensure the Native American population is included in ACF initiatives.
5. Share program and policy information from ACF programs with Native American communities.
6. Advise and/or support ACF office activities that serve Native American people and their communities.

Disussions held by the ACF TAC do not supplant nor take the place of tribal consultation.

IV. FUNCTIONS

A. The functions of the ACF TAC shall include but are not limited to the following:

1. Enhancing communication between ACF program, budget and policy offices and Native American communities.



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2. Enhancing communication with tribes by advising on the ACF consultation protocols to meet and communicate with Native American communities
3. Enhancing and sharing information and outreach activities related to Native American communities.
4. Working with program offices to develop demonstration projects and Self-Governance pilots with specific ACF programs pending legislative authority to commence the pilot projects, if appropriate.
5. Supporting the Secretary's Intradepartmental Council on Native American Affairs and the One Department initiative.
6. Providing information and technical assistance to ACF senior managers to implement programs in Native American communities.
7. Facilitation of improved State Tribal working relationships.
8. Tribal Representatives of the Tribal Advisory Committee will serve as liaisons for the tribes to ACF to receive and disseminate information on issues, priorities, and other topics of importance to the tribes in their region and on a national basis.
9. Tribal Representatives of the TAC will regularly report on the activities of the TAC to the tribes within their region and on a national basis.

B. Consultation with Tribal Governments

Executive Order 13175 (November 2000) describes the government-to-government relationship and requires that each Department develop a mechanism to consult with Tribal Governments on actions affecting Native Americans. President Obama also issued a memorandum on November 9, 2010 that reaffirmed the Executive Order.

Consistent with recommendations of the HHS Working Group on Consultations with Native American communities, it is the policy of the Department to consult with Native American communities to the greatest extent practicable and permitted by law before taking actions that affect these governments and peoples.

HHS defines consultation as:

“Consultation – An enhanced form of communication, which emphasizes trust, respect and shared responsibility. It is an open and free exchange of information and opinion among parties, which leads to mutual understanding and comprehension. Consultation is integral to a deliberative process, which results in



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effective collaboration and informed decision making with the ultimate goal of reaching consensus on issues.”

The Office of the Secretary of the Department of Health and Human Services has formulated consultation policy for the agency. The consultation policy was created by the Office of the Secretary/Intergovernmental Affairs in conjunction with tribes and includes defined processes for early inclusion for tribal governments in the decision making process. The consultation policy also identifies specific mechanisms that will be used for consultation purposes.

In following this consultation policy, the ACF TAC will facilitate the ACF Consultation policy development and implementation. The ACF Consultation Policy provides the guidance on how to solicit full participation by Native American communities and Native non-profits for presenting their community needs and input to the ACF regulatory and policy development and HHS budget process. Native American communities will be given a minimum of thirty (30) days notice to submit questions prior to consultations and will have a minimum period of thirty (30) days to submit their comments after the end of each consultation.

V. ORGANIZATION

A. Administration for Children and Families/Native American Affairs Committee

On behalf of the Assistant Secretary, Administration for Children and Families, the Administration for Native Americans (ANA) is the lead office to coordinate the activities of the Administration for Children and Families/Tribal Advisory Committee (ACF TAC). The Commissioner of ANA is the lead person for the committee. The Commissioner of ANA, or designee, shall be represented on the Administration for Children and Families/Tribal Advisory Committee.

The ACF TAC lead shall coordinate with committee members on all matters pertaining to the coordination and facilitation of committee activities as directed by the Assistant Secretary, ACF.

Working on behalf of the Assistant Secretary, the principal unit of this body shall be the ACF TAC itself. The authority exercised by the ACF/TAC to advise on various actions is the authority of the ACF TAC and not the individual authority of its respective members. This authority is retained within the ACF TAC, and is delegated to the ACF TAC lead to provide direction and oversight of any sub-committees, workgroups, officers or representatives as determined by the ACF TAC.

To ensure organizational continuity when the ANA Commissioner is absent, the ANA Commissioner will work with the Assistant Secretary to appoint someone to lead this Committee.



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B. Purpose and Membership of the ACF Native American Affairs Advisory Committee (NAAAC)

The NAAAC was established to function as an agency work group to support the Assistant Secretary for Children and Families, the Commissioner, Administration for Native Americans, and all ACF program and regional offices that provide services to Native Americans. The members of the Committee consists of all ACF program Principals including the Administration on Children, Youth and Families (Children's Bureau, Family and Youth Services Bureau); the; the Administration for Native Americans; the Office of Child Care, the Office of Child Support Enforcement; the Office of Community Services; the Office of Family Assistance Tribal Temporary Assistance for Needy Families (Tribal TANF); the Office of Head Start; Office of Human Services Emergency Preparedness and Response; the Office of Planning Research and Evaluation and the Office of Refugee Resettlement.

C. Sub-Working Groups

As needed, there will be sub-working groups of the Administration for Children and Families Tribal Advisory Committee to accomplish tasks and objectives of the Committee. These sub-working groups will support the Assistant Secretary's and ANA Commissioner's responsibilities to the Secretary's Intradepartmental Council on Native American Affairs.

VI. COMMITTEE ADMINISTRATION

A. Management and Administrative Staff

The Administration for Native Americans is the lead office for ACF responsible for the management and administration of ACF TAC activities; preparation of agendas for meetings and the maintaining of records of all ACF TAC business, including the preparation and dissemination of minutes from ACF TAC meetings.

Each ACF program shall participate in the meetings of the Council. The Principal or designee of the office will serve as the primary participant.

B. Committee Composition

The TAC will be comprised of thirteen positions to be filled by voluntary representatives: one delegate (and one alternate) from each of the ten ACF regions and one delegate (and one alternate) for four National At-Large Tribal Member (NALM) positions. Region 3 currently does not have any federally recognized tribes and will not be represented on the TAC at this time.

ACF understands and supports the role of national Tribal organizations and the work they do on behalf of Tribal Governments. There are many national Tribal organizations that are not physically based in Washington, D.C. and therefore, are often left out of DC-



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based advisory opportunities. In order to rectify this long-standing challenge, in accordance with the Federal Advisory Committee Act (FACA) exemption of the Unfunded Mandated Reform Act (UMRA), ACF has incorporated the NALM positions as members of the TAC to provide specific representation for the regional and national concerns of Tribal governments. As described below under Selection Process, all NALMs must either be elected Tribal officials, acting in their official capacity as elected officials of their Tribe, or be designated by an elected Tribal official, in that official's elected capacity, with authority to act on behalf of the Tribal official.

The Acting Assistant Secretary sent a letter to Tribal leaders requesting nominations for TAC delegate and alternate from Tribes located in each of the ten ACF Regions (except Region 3) for the positions and as well as nominations for four NALM delegate and alternate positions.

Primary committee members must make a good faith effort to attend all meetings via teleconference or in person and may be accompanied by a technical advisor as outlined below. Each committee member will have an alternate that has been selected for their specific area and in the event that the Primary committee member cannot attend a meeting the alternate workgroup member will be notified. Such alternate shall have the full rights as designated in the letter by the delegate.

C. Selection Process

The names of each TAC delegate and alternate from each of the ten Regional Offices of the ACF are to be submitted to the Administration for Native Americans (ANA) in an official letter from the Tribe. The ANA Commissioner and the Acting Assistant Secretary will be responsible for selecting and finalizing the body of members.

Regional Representatives:

Regional Representatives should be an elected official or designated representative that is qualified to represent the views of the Indian Tribes in the respective area for which they are being nominated. Nominations will be considered for selection in the priority order listed below. In the event that there is more than one nomination in the priority list, individuals whom had a letter of support from regional Tribal organizations will be taken into consideration when selecting the primary and alternate delegates.

1. Tribal President/Chairperson, Governor
2. Tribal Vice-President/Vice-Chairperson, Lt. Governor
3. Elected or Appointed Tribal Official
4. Designated Tribal Official

National At-Large Members



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In order to achieve the broadest coverage of ACF-related national perspectives and views, the TAC will include four positions for NALMs. The NALM should be an elected official or designated representative that is qualified to represent the views of tribes on a national, collective perspective, including but not limited to such views of groups like National Congress of American Indians, National Indian Health Board, Tribal Self Governance Advisory Committee, Urban Indians, National Indian Child Welfare Association, National Indian Headstart Director's Association and the National Tribal Environmental Council.

Nominations will be considered for selection in the priority order listed below. In the event that there is more than one nomination in the priority list, individuals whom had a letter of support from tribal organizations will be taken into consideration when selecting the primary and alternate delegates.

Tribal President/Chairperson/Governor

Tribal Vice-President/Vice-Chairperson/Lt. Governor

Elected or Appointed Tribal Official

Designated Tribal Official

Period of Service:

Terms for the TAC will be three calendar years. Terms will be staggered, with a lottery method used to assign two-year terms to half the Area members and three of the NALMs initially appointed to the TAC (with their first terms expiring on December 31, 2015) and two-year terms to the remaining half of the Regional members and three of the NALMs (with their first terms expiring on December 31, 2016.) A member may serve successive, consecutive terms if nominated again when their term expires.

Vacancy: When a vacancy occurs, ACF will notify Indian Tribes in the respective area and ask them to nominate a replacement.

Removal: TAC members (either delegate or alternate) are expected to make a good faith effort to participate in all meetings and telephone conference calls. If a TAC delegate or a TAC alternate does not participate in a meeting, in-person or by telephone, on three successive occasions, ACF will notify Indian Tribes in the respective area and ask them to nominate a replacement.

Interim Representative: When there is a vacancy in a primary delegate position (due to removal of for other reasons) for which an alternate is currently serving, ACF will notify the alternate and request that the alternate perform the duties of the primary delegate. The alternate will serve the remainder of the unexpired term of the original member and if nominated again may serve successive, consecutive terms. The criteria and process for selecting a replacement alternate following a vacancy or removal will follow the Selection Process described above. If both positions are vacant, following a removal or resignation, then both the primary delegate and the alternate positions will follow the Selection Process described above and will serve the remainder of the unexpired term.

ACF will notify all Tribes in the region when an alternate fills a vacant primary delegate position due to removal or resignation.



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B. Meetings

The ACF TAC shall meet at such places as directed by the ACF Assistant Secretary, no less than 6 times per year and as needed to meet the objectives of the Assistant Secretary. Minimally the ACF TAC will meet three times annually, face-to-face with remaining meetings to be teleconference calls or webinar. Social media will also be a method of communication to facilitate discussions. The ACF TAC lead shall make every effort to provide ACF TAC members a 30-day advance notice of meetings unless circumstances make this impractical.

A quorum consisting of a majority of the total number of Regional and NALM positions (7 of 13) if all such positions are filled by a delegate or alternate, present in-person and by telephone, will be necessary for formal decisions and actions by the TAC (informational sessions may occur in the absence of a quorum.) To the extent possible, such TAC decisions and actions will be taken by a consensus of Tribal Regional and NALMs. To resolve differences where consensus cannot be reached, a vote may be taken by simple majority of the positions represented, in-person and by telephone (a quorum being present) or the Chair or Co-Chair may authorize a subsequent polling of the positions.

The meetings will be limited to only official representatives of the committee. Tribal delegates will be allowed to bring one technical advisor to the meeting to assist them with their duties and responsibilities as a member of the TAC. The advisor's role is limited to assisting the member, and the advisor cannot participate in the meetings of the TAC, unless the advisor has been designated by the elected Tribal official to act on behalf of the official at the meeting. Subject to the availability of funds, ACF will be responsible for paying the travel airline, lodging and per diem for TAC (Primary and Alternates) members.

VII. **REPORTS**

The results of ACF TAC meetings and consultations with Native Americans will be presented in the form of briefings or written reports to the Assistant Secretary of the Administration for Children and Families. Formalized agency reports of pertinent findings or activities will be shared with the Secretary's Tribal Advisory Committee (STAC), Intradepartmental Council on Native American Affairs (ICNAA), and the ACF Native American Affairs Advisory Council (NAAAC) to identify opportunities, and to deliver and develop social and economic programs that provide for sustainable community-based programs that support self-reliant, safe and healthy families in Native communities.

These reports will assist the Department of Health and Human Services in providing valuable services that will enrich the social and economic development of Native American communities.



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VIII. SPECIAL PROJECTS

The ACF TAC shall have the authority to form and conduct projects as needed to support ACF program offices in accomplishing their goals and objectives, subject to the availability of funds.

Mark Greenberg
Acting Assistant Secretary
for Children and Families

Date